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IN THE  
UNITED STATES CIRCUIT COURT OF APPEALS  
FOR THE  
NINTH CIRCUIT.

In Admiralty.

PAAUHAU SUGAR PLANTATION  
COMPANY, (A CORPORATION),

*Appellant,*

VS.

SAMUEL PALAPALA,

*Appellee.*

FILED  
MAR -1 1904

*Upon Appeal from the United States District Court  
for the District of Hawaii.*

APPELLANT'S PETITION FOR REHEARING.

MORRISON & COPE,  
HOLMES & STANLEY,  
R. D. SILLIMAN,  
Proctors for Appellant.



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*To the Honorable, the Judges of the United States  
Circuit Court of Appeals for the Ninth Circuit:*

The appellant, the Paauhau Sugar Plantation Com-

pany, a corporation, respectfully petitions the court for a rehearing of the above-entitled appeal, on the following grounds:—

1. That the court does not seem to have had before it or to have considered the “Argument and brief for appellant filed pursuant to stipulation between counsel,” on file herein, for it does not refer at all to many of the points made therein; and, moreover, there is no mention made of the name of R. D. Silliman, as one of the counsel for the appellant, although his name appears on said brief as such counsel.

2. That it does not appear that the court considered or passed upon the second point stated and argued in said brief, namely: that the accident was in fact caused by the negligence of the appellee and his fellow-servants.

3. That it does not appear that the court considered or passed upon the following point embodied in the third subdivision of the said brief, namely: that the record from the court below upon the question of the extent of the injuries sustained by the appellee was in such condition that this court, as a new court of trial in admiralty, ought to make an order for taking depositions in order that further light as to the exact nature and extent of the injuries sustained by the appellee might be had.

4. That the court does not seem to have considered the affidavits filed herein, subsequent to the rendering of the decree in the court below, showing the physical condition of the appellee at a time later than the trial,

and which are quoted at length in the third subdivision of said argument and brief.

All of the matters above referred to were fully gone into in said argument and brief upon which said cause was submitted, and a showing was there made which, as we believe, demonstrated:—

First: that the appellee himself was guilty of contributory negligence;

Second: that his injuries were not of that serious character that he represented at the trial; and that in the event that the court charged the appellant with negligence and exonerated the appellee from contributory negligence, the ends of justice clearly required that the appellant be permitted to show that the injuries of the appellee were of no serious character.

WHEREFORE, it is respectfully submitted that the ends of justice require that a rehearing should be granted.

MORRISON & COPE,

HOLMES & STANLEY,

R. D. SILLIMAN,

Proctors for Appellant.

A. F. Morrison and R. D. Silliman, two of the proctors for the appellant, hereby certify to the court that, in the judgment of each of them, the above petition is well founded, and that it is not interposed for delay.

Dated February 27, 1904.

A. F. MORRISON,

R. D. SILLIMAN.